

Rajiv Gandhi Adhivakta Prashikshan Yojna
(Rajiv Gandhi Advocate's Training Scheme)

Whereas the preamble to the Constitution of India provides to secure justice “*social, economic and political*”;

And Whereas, Article 39A of the Constitution mandates that the State shall provide free legal aid by *suitable legislation or scheme or in any other way* to ensure that opportunities for securing justice are not denied to any citizen *by reason of economic or other disabilities*;

And Whereas, in order to enable the State to provide free legal aid and guarantee speedy trial, a vast number of persons duly trained in legal profession are essential; and

And Whereas, the explosion in population, the vast changes brought about by scientific, technological and other developments, and the all-round enlarged field of human activity reflected in modern society, and the consequent increase in litigation in courts and other fora demand that the service of competent persons with expertise in law is required at various stages and different levels and should be made available;

And Whereas, the Supreme Court in the case of *State of Maharashtra v. Manubhai Pragaji Vashi* (1995) 5 SCC 730, has observed that the need for a *continuing and well-organised legal education* is absolutely essential reckoning the new trends in the world order and to meet the ever-growing challenges; and

And Whereas, it has become necessary to encourage and motivate young and talented and meritorious law graduates at grass roots level to stay and continue in legal profession;

Now therefore, the Ministry of Law and Justice, Department of Legal Affairs, hereby makes Scheme namely, **Rajiv Gandhi Adhivakta Prashikshan Yojna (Rajiv Gandhi Advocate's Training Scheme)** to provide intensive professional training to young advocates to upgrade their professional knowledge and skill.

1. Need of the Scheme

The Constitution of India reflects the quest and aspiration of the mankind for justice. Its preamble speaks of justice in all forms, social, economic and political. Its Article 39A which was inserted by way of 42nd Amendment to the Constitution recognizes equal justice and free legal aid. It imposes a duty on the State to secure that

the operation of the legal system promotes justice on a basis of equal opportunity and in particular, provides that the State shall provide free legal aid to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

1.1 Access to Justice has been recognized as a fundamental right. An effective justice delivery system requires that justice be made available at the door step of people and for this purpose we should have talented, dedicated and qualified legal professionals who serve at the grass root level. So far as providing justice at the doorstep is concerned, we have courts at the district and taluka levels. Now, we also have 'Gram Nyayalaya' at village and intermediate level.

1.2 There is no dearth of talented and dedicated law graduates at grass roots level but there is no motivation and encouragement for them to come forward and stay in legal profession at district, taluka or village level. As a result, most of these young lawyers, despite their ability are not getting proper opportunity and exposure in their profession. As a result, they become briefless lawyers. Therefore, there is a need to give them proper professional training so that they may become good lawyers and compete with a solicitor of high profile law firms.

2. Object

The object of Rajiv Gandhi Adhivakta Prashikshan Yojna (hereinafter referred to as the 'Scheme') is to give motivation and encouragement to young lawyers who are practising in Magistrate and Munsif Courts, by providing proper professional training for a period of two months so that they may serve the need of law professional at grass roots level. The training will encourage them to stay in the profession at the grass roots level and it will also help to alleviate their frustration. Nation would also get benefit of their services in the field of providing justice to all. The main object of the Scheme is to motivate and encourage young talented meritorious lawyers to remain in practice at the Bar at grass roots level, and for that purpose to impart them professional training.

3. The Scheme- Main Features.

Each year, from each State, not more than ten and depending upon the population of the State, practising young advocates, shall be selected for imparting professional training. While selecting candidates, preference shall be given to those who belong to Scheduled Castes, Scheduled Tribes, Other Backward Classes, physically handicapped and women advocates.

3.1 Applications

- (i) For the purpose of selection, each year, applications from eligible candidates shall be invited by the State Bar Council of the concerned State.
- (ii) The State Bar Council shall advertise the Scheme for calling applications in the prescribed proforma from the eligible candidates for training at least in two local newspapers, one each in English and regional language.
- (iii) The format for making the applications shall be laid down by the Bar Council of India.

3.2 Eligibility– The young Advocates making application in the prescribed proforma for the selection of training under the Scheme shall fulfill the following requirements:-

- (i) he/she shall be enrolled as an Advocate and should have been engaged in actual practice in a Magistrate or a Munsif Court;
- (ii) he/she should not be above the age of 30 years. However, relaxation of age upto three years may be given to suitable SC, ST, OBC, PH and women advocates;
- (iii) his/her monthly income shall not be more than Rs.15000/- per month; and
- (iv) he/she shall submit an affidavit to the effect that he/she is willing to make available his/her services for legal aid programmes under the District Legal Aid Authority.

3.3 Scrutiny of applications and guidelines for selection

(i) The Selection Committee will scrutinize all the applications and may devise its own mechanism for selection of suitable candidates. The Selection Committee while recommending candidates may have regard to the following:

- (a) educational qualifications of the candidate;

- (b) monthly income of the candidate;
 - (c) personal details like, age, category (viz., general, SC, ST, women, OBC, physically handicapped);
 - (d) performance in personal interaction/counseling;
 - (e) district/taluka where candidate is practicing; and
 - (f) he/she should in the opinion of Selection Committee be meritorious and talented advocate;
- (ii) The Selection Committee, after selection, shall forward names of selected candidates to the Bar Council of India, the Nodal Agency for implementing the Scheme.
- (iii) The Bar Council of India, after receipt of the names of the advocates, shall forward the names to the nominated National Law University/University Law School of the concerned State.

3.4 Constitution of Selection Committee

For the purpose of selection of suitable candidates for professional training, a Selection Committee in respect of each State shall be constituted. The Selection Committee shall consist of the following:-

- (i) a Judge of the High Court nominated by the Chief Justice of the High Court of the concerned State – Chairman;
- (ii) Additional/Assistant Solicitor General of India attached with that High Court;
- (iii) Chairman, State Bar Council;
- (iv) a member of the Bar Council of India of the concerned State.
- (v) Advocate General of the State concerned.

3.5 Training

After the selection, selected candidates shall be provided professional training for two months. The training consists of two components-

- (i) training to be imparted in a National Law School/University Law School – one month; and
- (ii) training under a Senior/ leading Advocate – one month.

(i) **Training imparted in National Law School/University Law School – Duration – One month**

(a) Professional training to the selected candidates shall be given by a National Law School/University Law School nominated by the Central Committee on rotation basis. In a State where there is no National Law School, the Central Committee, if it thinks fit, may nominate any prestigious University Law School in that State for imparting the training under the Scheme.

(b) During the training, selected candidates shall be provided study material and free lodging and boarding facility.

(c) Curriculum for training in National Law School/University Law School shall include the following:-

- (i) Alternative Dispute Resolution (ADR) mechanism for settlement of disputes, and its advantages;
- (ii) criminal trials, plea-bargaining – its scope and importance and art of cross-examination;
- (iii) use of Information Technology and communication in court proceedings and its advantages in court proceedings;
- (iv) presentation of the case and argument before the Court;
- (v) provisions contained in “*Hague Convention on the Service abroad of Judicial & Extra Judicial Documents in Civil and Commercial Matters*” – Mechanism of service of summons and other judicial documents issued by Indian court to persons residing in foreign territory and vice versa;
- (vi) effect and advantages of having Mutual Legal Assistance Treaty in civil and commercial matters, and in criminal matters, Extradition Treaty and treaty on transfer of convicted persons, with foreign countries;
- (vii) Cyber laws- dealing with cyber crimes and related issues;
- (viii) specific legislations such as Intellectual Property laws, ‘Competition Law’ – their importance and relevance in modern day business, viz., the Domestic Violence Act, 2005, the Protection of Child Rights Act, 2005, the Dowry Prohibition Act, 1963, the Gram Nyayalaya Act, 2009, Consumer Protection Act, 1986, Protection of Human Rights Act, 1993, Family Courts Act, 1984, Land Acquisition Act, 1894, Environmental Laws, etc.

The training on aforesaid topics would help the candidates in improving their skill, knowledge and understanding of law.

(d) Copyright of the course curriculum/study material prepared by the Bar Council of India, for the purpose of the training, will be with the Ministry of Law and Justice, Department of Legal Affairs.

(e) Resource persons for training at National Law Schools/University Law School

The National Law School/University Law School would seek the services of experts in the relevant field of law including judges, lawyers, law teachers, law officers etc.

(ii) Training under a Senior/Leading Advocate

(a) After successful completion of the training at the nominated National Law School/University Law School, the Bar Council of India shall empanel Senior Advocates of the place where the trainee advocate practices under whom the candidates will be placed for one month.

(b) At a time not more than three candidates shall be placed under a Senior Advocate/Leading Advocate.

(c) Senior Advocate/Leading Advocate shall guide the candidate in respect of practical aspects of the legal profession, take him to court, and seek his assistance in discharging his professional duties.

(d) The training under the supervision of Senior Advocate/Leading Advocate would help the trainee candidates in improving their practical skills.

(iii) Every trainee advocate shall be provided stipend of Rs.2500/- (Rupees two thousand five hundred only) for a period of six months from the date he/she starts training under a Senior Advocate /Leading Advocate.

4. Nodal Agency

The Bar Council of India shall be the Nodal Agency for monitoring the implementation of the Scheme.

5. Guidelines for organizing training programme

The Bar Council of India shall formulate guidelines, after approval of the Central Government, in respect of the following:-

- (i) Boarding and lodging facilities
- (ii) Resource persons and their payment
- (iii) Course curriculum
- (iv) Session of training per day
- (v) visits to justice fora such as courts, jails, Human Rights Commission Tribunals and Police Headquarter
- (vi) Standard total budget estimate for each training session at National Law School/University Law School
- (vii) provision of Aakash Tablet.

6. Necessary funds for the Scheme

- (i) For the purpose of meeting the expenditure of the Scheme, Central Government shall provide necessary amount in the Budget of Ministry of Law and Justice (Department of Legal Affairs).
- (ii) The fund shall be used for the purpose of –
 - (a) expenditure for providing study material and training by National Law Schools/University Law School;
 - (b) expenditure for providing traveling expenses by road/train (AC III) and traveling allowance to local candidates;
 - (c) boarding and lodging facilities to the selected candidates during the professional training at National Law Schools/University Law School;
 - (d) necessary administrative expenses for administering the Scheme to the National Law Schools/University Law School.
- (iii) The Central Government shall provide the requisite funds/amount as determined by the Central Committee to the National Law University/University Law School nominated/approved by the Central Committee for imparting the training.
- (iv) The concerned National Law University/University Law School imparting the training shall submit the utilization certificate of the received amount to the Joint

Secretary, In-charge of the Implementation Cell within one month after the completion of the training.

7. Central Committee

For the purpose of administering the Scheme, there shall be a Central Committee consisting of the following:

- (a) Union Minister for Law and Justice - Chairman
- (b) Two senior advocates of the Supreme Court or a High Court, nominated by the Hon'ble Minister for Law and Justice - Member
- (c) Chairman, Bar Council of India - Member
- (d) A Vice-Chancellor/Director of a National Law University nominated by the Hon'ble Minister for Law and Justice - Member
- (e) Union Law Secretary - Member
- (f) Joint Secretary in-charge of Implementation Cell - Member-Secretary

(ii) The Central Committee shall-

- (i) determine the amount for each training programme;
- (ii) fix the maximum number of candidates to be selected in a year for each State and Union territory;
- (iii) nominate the National Law School//University Law School; and
- (iv) review the progress of the Scheme and make necessary changes/amendments.

8. Monitoring of the Scheme

The Bar Council of India shall submit a report after completion of each training session to the Joint Secretary in-charge of the Implementation Cell.
